

REMARKS

Claims 1-19 and 21-27 are presently pending and stand rejected.

Claim 1 was rejected under 35 U.S.C. 103(a) as being obvious from the combination of 1988 IBM Technical Disclosure #NN8812461 ("IBM") and U.S. Patent No. 6,304,196.

Claim 1 recites among other limitations, "wherein DC balancing further comprises adding at least one bit to said at least one component".

IBM teaches that "For each block of six bits transmitted, three bits are always at a 'one' level and three bits are at a 'zero' level." (Emphasis Added). Examiner has noted that IBM disclosed "A block code arrangement for balancing the entire multiplexed data stream, via the utilization [of] only 'balanced' codes, thereby elimination low frequencies from the spectrum while permitting 'AC coupling'. Office Action, 10/13/2005, p. 3 (Emphasis Added).

Examiner has indicated that "it would have been clearly obvious to one of ordinary skill in the art to modify the IBM disclosure which encodes video for transmission and permits AC coupling to add additional bits as done conventionally (Copeland discussion on Prior Art) for the advantages as noted above.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. MPEP 2142. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Id (Emphasis Added).

However, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP 2140 (Emphasis in Original).

As noted above, IBM teaches that "For each block of six bits transmitted, three bits are always at a 'one' level and three bits are at a 'zero' level." (Emphasis Added). Since, "three bits are always at a 'one' level and three bits are always at a 'zero' level", Assignee respectfully submits that IBM teaches away from "DC balancing" by "adding at least one bit to said component".

IF the examiner determines there is factual support for rejecting the claimed invention under 35 U.S.C. 103, the examiner must then consider any evidence supporting the patentability of the claimed invention, such as any evidence in the specification or any other evidence submitted by the applicants. The ultimate determination of patentability is based on the entire record, by a preponderance of the evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence. MPEP 2140.

Assignee respectfully submits that when IBM and Copeland are reconsidered in their entirety, including portions that teach away from the claimed invention, by a preponderance of the evidence, it would NOT be obvious to one of ordinary skill in the art to modify IBM's teach "for each block of six bits transmitted, three bits are always at a 'one' level and three bits are always at a zero level", to include DC balancing by "adding at least one bit to said component". Thus Assignee respectfully traverses the rejection to claims 1, 12, and 22, as well as dependent claims 2-11, 13-19, 21, and 23-27.

Claims 4, 17, and 25 which recite "concatenating audio data onto said at least one component", among other limitations, were rejected under 35 U.S.C. 103(a). The Examiner maintains that it would be obvious to one of ordinary skill in the art to have used the "data channel" of the interface described in the IBM disclosure to carry any kind of auxiliary data that was conventionally associated with transmitted video data (i.e., be it sound/audio or status information)."

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Reply to Office Action of January 24, 2006

Assignee respectfully submits that the combination of IBM and Copeland do not teach or suggest the foregoing claimed limitation. Examiner has not identified any teaching in IBM or Copeland that teach or fairly suggest "concatenating audio data onto said at least one component" or claimed it to be inherent. Moreover, Assignee respectfully submits that IBM's teaching of a "data channel" does not specifically teach the claimed "concatenating audio data onto said at least one component". Accordingly, Assignee respectfully traverses the rejection and requests that Examiner withdraw the rejection to claims 4, 17, and 25.

In view of at least the foregoing reasons, it is respectfully submitted that the pending claims define allowable subject matter. Reconsideration and allowance is respectfully requested. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,



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